

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Ralf Wiedemann
Serial No. : 10/505,565
Filed : August 24, 2004
For : Container
Art Unit : 1796
Examiner : Lorna M. Douyon

Commissioner for Patents
P.O. Box 1450
Arlington VA 22313-1450

August 19, 2008

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED
APPLICATION PURSUANT TO 37 CFR § 1.137(B)**

SIR:

Petitioner respectfully requests that the Honorable Commissioner exercise his power and restore the above-identified application to pending status, the application having been unintentionally abandoned.

According to 37 CFR § 1.137(b), which sets forth the requirements for restoring an unintentionally abandoned application to pending status:

“A grantable petition pursuant to this paragraph must be accompanied by:

- (1) The required reply, unless previously filed.***;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional***; and
- (4) A terminal disclaimer (and fee as set forth in § 1.20d(d)) required pursuant to paragraph (c) of this section.”

The Reply

The above-referenced application went abandoned after the applicants failed to reply to an Office Action under 37 C.F.R. §1.116.

The applicants submit herewith the required reply, which is a reponse under 37 C.F.R. §1.116, a Petition for a Three-Month Extension of Time, and a Request for Continued Examination (RCE).

The Petition Fees

Regarding requirements (1) and (2), the Commissioner is authorized to charge the fee set forth in § 1.17(m), and any other fees deemed necessary for consideration and/or grant of this petition, to Deposit Account No. 14-1263.

The Statement that the Delay was Unintentional

Regarding requirement (3), the undersigned hereby states that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

The Need for a Terminal Disclaimer

Regarding requirement (4), Petitioners submit that a terminal disclaimer is not required. By the terms of 37 CFR § 1.138(c), a terminal disclaimer must accompany a petition of this type, ([i]n a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.” Since the instant application does not fall into any of these categories, Petitioners submit that a terminal disclaimer is not required.

In view of the foregoing, Petitioners submit that all the requirements of a grantable petition have been met. Accordingly, Petitioners respectfully request that the Honorable Commissioner exercise his power and restore this application to pending status

Early and favorable action is earnestly solicited.

Respectfully submitted

NORRIS McLAUGHLIN & MARCUS, P.A.

By /Mark D. Marin/

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